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November 22, 2013

VIA ELECTRONIC FILING

Hon. James C. Francis, U.S.M.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: Leena Varughese, M.D. v. Mount Sinai Medical Center, et al.
Civil Action No. 12 Civ. 8812 (CM)

Dear Judge Francis:

I am in receipt of Mr. McEvoy's letter dated November 22, 2013 in response to plaintiff's request for oral argument and to submit a sur reply. I write only to address the unprofessional and personal nature of Mr. McEvoy's attacks on counsel.

Mr. McEvoy freely slings mud that plaintiff and counsel are somehow "abusing" the discovery process. Plaintiff has only learned that a similarly-situated colleague of plaintiff was placed on Academic Advisement and two others given light discipline for failing to give make-up morning conferences when Dr. Firpo noticeably slipped up at his deposition. Dr. Firpo's colleagues who were deposed before him made no such disclosures at their depositions. It is not credible to suggest that neither Dr. Cordon-Cardo, nor Dr. Lento, knew about such circumstances. Now, Mr. McEvoy assails plaintiff for seeking documentary support on such issues and labels such reasonable requests as well as a request for oral argument and for a sur reply as "abusive." If there is any abuse of the discovery process going on, it arises from defendants' obvious but failed attempt to keep hidden from disclosure the fact that a fellow resident had been placed on Academic Advisement and that other residents had failed to give make-up morning conferences and received little to no discipline as a result. Any supposed "abuse" now suffered by defendants originated in their

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own bad faith conduct in discovery.

We thank the Court for its consideration of this matter.

Respectfully submitted,

Ronald J. Wronko

cc: Rory J. McEvoy, Esq. (via ecf)